IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Crl.MC.No. 1855 of 2007()

CC.63/2006 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM
CRIME NO.3120/2005 OF CITY TRAFFIC POLICE STATION, ERNAKULAM

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PETITIONER/ACCUSED:

ANWAR AZAD, AGED 24,
S/O.MUHAMMED AZAD,
MARAYAKULATH HOUSE,
CORAL CREST FLAT,
FLAT NO.6D, SRM ROAD,
KALOOR.

BY ADV. SRI.S.NIRMAL KUMAR

RESPONDENT/STATE:

STATE REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1855 of 2007

Dated this the 8th day of June 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 304 A I.P.C. The petitioner is a B.Tech graduate. He has applied for admission to M.S.Degree course in Australia and is awaiting admission formalities. The petitioner was allegedly involved in a motor accident on 20/08/2005. Investigation is complete. Final report has already been filed. The case now stands posted to 09/03/2008. The petitioner has come to this court with a prayer that there may be a direction for expeditious disposal. If that does not take place, the petitioner's future will be marred. He will not be able to secure admission for M.S. Degree Course in Austrialia. In these circumstances, it is prayed that the learned Magistrate may be directed to dispose of the case against the petitioner, as expeditiously as possible.

2. The petitioner's cause appears to deserve sympathetic consideration. But has the petitioner applied before the learned Magistrate? If not, why has he not applied before the learned

Magistrate. No satisfactory and convincing answers are forthcoming. I am of opinion that it will not be proper for this court to fix the work schedule of all the subordinate courts. Unless the parties move such courts first and get orders from such courts, I am of opinion that no directions need be issued.

3. The case of the petitioner does evoke sympathy. I am of opinion that the petitioner's case deserves to be disposed of as expeditiously as possible. That there are older cases before that court is by itself no reason or solace for the petitioner but it is for the petitioner to move the learned Magistrate for expeditious disposal.

4. In the result, this petition is dismissed but with the specific observation that the petitioner shall be at liberty to apply before the learned Magistrate with a copy of this order seeking early disposal of this court. The learned Magistrate must pass appropriate orders. If not satisfied, certainly the petitioner has the option and liberty to approach this court again.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007